

Conversely, respondent argues that claimant did not prove his left inguinal hernia occurred while he was working for respondent. Further, respondent contends claimant failed to prove he provided respondent with timely notice of the September 13, 2001, accident. Accordingly, the respondent requests the Appeals Board (Board) to affirm the ALJ's preliminary hearing Order.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the preliminary hearing record and considering the arguments contained in the parties' briefs, the Board makes the following findings and conclusions:

The Board concludes that the ALJ's preliminary hearing Order that found claimant failed to prove that his left inguinal hernia was related to his employment with the respondent should be affirmed. In particular, the Board finds significant that after claimant suffered the initial pain and discomfort in his groin area while lifting on September 13, 2001, he did not seek medical treatment and the sharp pain he had experienced on the day of the lifting incident was gone by the next morning. Additionally, claimant was able to continue his regular work activities without pain until he coughed while working at his computer at home on November 28, 2001. At that time, claimant noticed a bulge in the same left groin area and sought medical treatment at a local hospital's emergency department. Moreover, the history that claimant provided the emergency department indicated that the groin pain that he had suffered in September had gone away.

Accordingly, the Board finds that, although claimant suffered pain and discomfort in his groin area at work on September 13, 2001, for the most part that pain was gone before the next morning and the cough at home caused claimant to notice the bulge. The bulge was the reason he sought medical treatment on November 28, 2001. At this point, based on the record compiled to date, the Board finds the claimant has failed to prove that the bulge that he noticed after coughing at home that resulted in claimant being diagnosed with a left inguinal hernia had any causal relation to his employment with respondent.

**WHEREFORE**, it is the finding, decision, and order of the Board that ALJ Jon L. Frobish's March 22, 2002, preliminary hearing Order should be, and is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July 2002.

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BOARD MEMBER

c: Kevin T. Stamper, Attorney for Claimant  
James M. McVay, Attorney for Respondent  
Jon L. Frobish, Administrative Law Judge  
Philip S. Harness, Workers Compensation Director